

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

DAVID EDWARD WEED and JAMES  
WILLIAM WEED,

Plaintiffs,

v.

THE CITY OF SEATTLE, TERRY DUNN,  
and DALE DAVENPORT,

Defendants.

NO. 2:10-cv-01274-RSM

DECLARATION OF EVAN D.  
BARIAULT IN SUPPORT OF  
DEFENDANTS' MOTIONS *IN LIMINE*

NOTE ON MOTION CALENDAR:  
FRIDAY, OCTOBER 7, 2011

I, Evan D. Bariault, declare under oath as follows:

1. I am over the age of 18 years, am one of the attorneys for the defendants in this matter, make this declaration based on personal knowledge, and am competent to testify to the facts contained herein.

2. Defendants previously filed a set of motions *in limine* on June 27, 2011, pursuant to the previous trial date. This newly filed set differs from the previous set as it includes motions *in limine* that did not exist in the previous set.

DECLARATION OF EVAN D. BARIAULT IN  
SUPPORT OF DEFENDANTS' MOTIONS *IN*  
*LIMINE* - 1

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3. The parties met and conferred in good faith per Local Rule 7(d)(4) on June 27, 2011, and again on September 20, 2011. Defendants' Motions *in Limine* identify the motions to which the parties agree and disagree.

4. The following documents attached as exhibits are true and correct copies:

Exhibit

Document

A Deposition Transcript of Plaintiff taken on April 15, 2011  
(Excerpts)

B Plaintiff James Weed's Answers to Defendant the City of Seattle's  
First Interrogatories and Requests for Production

C Plaintiff David Weed's Answers to Defendant the City of Seattle's  
First Interrogatories and Requests for Production

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON AND OF THE UNITED STATES THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED this 20<sup>th</sup> day of September, 2011.

/s/ Evan Bariault

DECLARATION OF EVAN D. BARIAULT IN  
SUPPORT OF DEFENDANTS' MOTIONS *IN*  
*LIMINE* - 2

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Certificate of Service

The undersigned certifies under the penalty of perjury according to the laws of the United States and the State of Washington that on this date I caused to be served in the manner noted below a copy of this document entitled DECLARATION OF EVAN D. BARIAULT IN SUPPORT OF DEFENDANTS' MOTIONS IN LIMINE on the following individual(s):

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*Attorneys for Plaintiffs David and James Weed*

DATED this 20<sup>th</sup> day of September, 2011, at Seattle, Washington.

/s/ Evan Bariault via ECF

DECLARATION OF EVAN D. BARIAULT IN  
SUPPORT OF DEFENDANTS' MOTIONS IN  
*LIMINE* - 3

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